

REMARKS

Claim 13 is amended. Claims 1-17 are pending in the application.

The drawings stand objected to under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. The Examiner indicates that the “first volume”, the “second volume” and the “dispersion head” must be shown or the features cancelled from the claims. As set forth in applicant’s response filed April 24, 2006, applicant again notes with reference to Fig. 1 and the text at paragraph 18, that the drawing specifically illustrates a disperser 28 which is in 1-to-1 correspondence with what is claimed.

With respect to the recited first and second volumes, as set forth in applicant’s response filed April 24, 2006 such are not recited in isolation and are specifically recited with respect to a containment reservoir having a second volume and a deposition chamber having a first volume. The second volume is a physical characteristic of the containment reservoir feature and the first volume is a physical characteristic of the deposition chamber feature. Physical characteristics cannot be identified independently of their corresponding features. Accordingly, the Examiner’s objection in this regard is improper. If such objection to the drawings is to be maintained applicant preserves the right to have the issue considered in the event of an appeal.

Claims 1-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gadgil (U.S. Patent No. 5,284,519), or as being rendered obvious by a combination of Gadgil and Lee (U.S. Patent No. 6,086,679). The Examiner is reminded by direction to MPEP §2131 that anticipation requires each and every element of a claim to be disclosed in a single prior art reference. In accordance with MPEP § 2143, a proper obviousness rejection has

the following three requirements: 1) there must be some suggestion or motivation to modify or combine reference teachings; 2) there must be a reasonable expectation of success; and 3) the combined references must teach or suggest all of the claim limitations. Claims 1-17 are allowable over Gadgil and Lee for at least the reason that the references, individually or in combination, fail to disclose or suggest each and every element in any of those claims.

Each of independent claims 1, 13 and 17 recites a deposition system or apparatus comprising a deposition chamber and a containment reservoir which is external to the deposition chamber where the reservoir is in fluid communication with the deposition chamber through an inlet of the deposition chamber. At page 3 of the present Action the Examiner indicates reliance upon Gadgil as disclosing: a deposition chamber 2 relying upon Fig. 18; having a first reservoir relying upon Fig. 2; and as having such reservoir externally disposed, indicating reliance upon feature 10 of Fig. 1. Applicant notes however, that Fig. 2 and Fig. 1 are entirely distinct embodiments and as such are non-combinable. Further, the Gadgil reference does not provide any suggestion or motivation for combining such embodiments. Accordingly, the Examiner's combination of reservoir 44 with feature 10 of Fig. 1 is inappropriate. Additionally, it is unclear as to how a combination of reservoir 44 and feature 10 of Fig. 1 would function. Nor does the examiner provide any motivation or explanation in this regard.

With respect to claim 1, the Examiner indicates that the recited metastable specie generating catalyst within the first reservoir is a requirement of intended use. The Examiner indicates reliance upon the Walter decision (618 F.2d at 769, 205 USPQ at 409; MPEP § 2106) indicating that specification of intended use or field of use for an invention

generally will not limit the scope of a claim. The Examiner further indicates reliance upon MPEP § 2111.02. These grounds of rejection are maintained from the previous Office Action. As noted in applicant's response filed April 24, 2006, § 2106 of the MPEP addresses computer-related invention. Since the present application and the pending claims are not directed toward computer-related subject matter, reliance upon MPEP § 2106 is improper. Similarly, the Examiner's reliance upon MPEP § 2111.02 and the cases cited therein is equally improper since such is clearly identified as being applicable for determination of the effect of the claim preamble while the recitation at issue is within the body of the claim. Applicant respectfully requests withdrawal of such grounds of rejection in the Examiner's next action.

At page 4 of the present Action the Examiner again indicates reliance upon Gadgil Fig. 1 in combination with Gadgil Fig. 2 improperly combining features of distinct embodiments. The Examiner further identifies the bottom of feature 38 of Fig. 2 as both an inlet port and an outlet port, while inlet nozzles 42 and 46 have been clearly identified by the specification for introducing gas into corresponding mixing chamber 44 and 40. Accordingly, it is unclear as to how the Examiner interprets Gadgil to provide selective fluid communication and containment within a chamber via feature 38 which the Examiner refers to as an inlet port and occasionally as an outlet port but which Gadgil identifies as a capillary group (col. 5, ll. 1-15). Nor does a capillary group provide containment or selective communication. Since each of claims 1, 13 and 17 recite containment reservoirs and claim 1 specifically recites selective fluid communication from the containment reservoir, such claims are clearly not anticipated or rendered obvious by Gadgil.

The Examiner indicates reliance upon Lee as disclosing a heat source and

precursor materials. However, considered in combination with Gadgil, Lee does not contribute toward suggesting the claims 1, 13 and 17 recited deposition chamber and reservoir disposed external to the deposition chamber or the claim 1 and 17 recited external reservoir configured containment of a metastable or activated specie. Accordingly, independent claims 1, 13 and 17 are allowable over the combination of Lee and Gadgil.

Independent claim 13 is amended to provide improved claim format.

Dependent claims 2-12 and 14-16 are allowable over Lee and Gadgil for at least the reason that they depend from allowable base claims 1 and 13.

For the reasons discussed above, claims 1-17 are allowable. Accordingly, applicant respectfully requests formal allowance of such claims in the Examiner's next action.

Respectfully submitted,

Dated: August 18, 2006 By: Jennifer J. Taylor
Jennifer J. Taylor, Ph.D.
Reg. No. 48,711